IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, CIVIL JURISDICTION

WRIT PETITION NO.5368 OF 2005

Suhas Nivrutti Raut & Ors. ...Petitioners

Vs.

The Tahasildar, Baramati, Dist.Pune
& Ors. ...Respondents

Mr.S.M. Oak, for the Petitioenrs.

CORAM: F.I. REBELLO & DR.D.Y.CHANDRACHUD, JJ,

DATE :5th September,2005

P.C.

. It is the case of the petitioners that in 1991 census, the population of the village was more than 3600 whereas in the census held in the year 2000 the population is around 2959. It is submitted that there is other documentary evidence to show that the figure of the population is much more. In these circumstances the petitioners seek relief including by way of mandamus for division of the village Shirawali in 4 wards and 11 members and to forthwith hold fresh elections. In other words they want to set aside the mandate on the ground that the census figures have not been correctly done. The Competent Authority has divided the village into wards based on the provisions of the Act and the Rules. There is, therefore, no infirmity either procedural or statutory in so far as the authorities under the Village Panchayat Act are concerned. Once that be the case it is not possible for this Court to interfere with the election process which has already been held. At the highest it may be open to the petitioner to represent to the authorities to carry out fresh census if it is permissible in law for the concerned

village and it is for the Competent Authority thereafter to consider whether fresh census can be held and the figures of population can be altered. With the above observation petition stands disposed of.

**(F.I. REBELLO, J.)**

**(DR. D.Y. CHANDRACHUD, J.)**